

UNITED STATES OF AMERICA

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Morey L. Sear
United States District Court
Eastern District of Louisiana

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States District Court
Western District of Tennessee

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

June 13, 2002

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: July 18, 2002

LOCATION OF HEARING SESSION: Spruance Hall Auditorium
Naval War College
686 Cushing Street
Newport, Rhode Island 02841

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.** **Please read carefully the enclosed yellow sheet detailing special procedures for entry to the site of the hearing session.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **July 1, 2002**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,

Michael J. Beck
Clerk of the Panel

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

JUNE 13, 2002

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, MOREY L.
SEAR, BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN
AND J. FREDERICK MOTZ, JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on July 18, 2002, a hearing session will be held in Newport, Rhode Island, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
July 18, 2002 -- Newport, Rhode Island

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1214 -- In re Great Southern Life Insurance Company Sales Practices Litigation

Opposition of defendant Great Southern Life Insurance Company to remand of the following actions to their respective transferor court:

Northern District of Texas

Irene Jones v. Great Southern Life Insurance Co., et al., C.A. No. 3:01-1040
(M.D. Alabama, C.A. No. 2:01-345)

Manuel A. Espinoza, et al. v. Great Southern Life Insurance Co., C.A. No. 3:00-2420
(N.D. California, C.A. No. 3:00-763)

MDL-1335 -- In re Tyco International, Ltd., Securities Litigation

Oppositions of plaintiffs Louisiana Retirement Systems; Robert D. Jaffee Revocable Trust, et al.; Lawrence Fagan, Sr.; D. Scott Kelley; Dr. Richard Hoyt; Robert J. Casey, II; Harry B. Meran; Donald Goldstein; and Marvin Overby, etc., to transfer of their respective following actions to the United States District Court for the District of New Hampshire:

Southern District of Florida

Robert D. Jaffee Revocable Trust, et al. v. Tyco International, Ltd., et al.,
C.A. No. 1:02-21048

Lawrence Fagan, Sr. v. Tyco International, Ltd., et al., C.A. No. 9:02-80118

D. Scott Kelley v. Tyco International, Ltd., et al., C.A. No. 9:02-80120

Dr. Richard Hoyt v. Tyco International, Ltd., et al., C.A. No. 9:02-80152

Robert J. Casey, II v. Tyco International, Ltd., et al., C.A. No. 9:02-80164

Harry B. Meran v. Tyco International, Ltd., et al., C.A. No. 9:02-80189

MDL-1335 (Continued)

Southern District of New York

Allan Carlin v. Tyco International, Ltd., et al., C.A. No. 1:02-878
Milton D. Abowitz, etc. v. Tyco International, Ltd., et al., C.A. No. 1:02-1033
Donald Goldstein v. Tyco International, Ltd., et al., C.A. No. 1:02-1034
Lon Engel, etc. v. Tyco International, Ltd., et al., C.A. No. 1:02-1150
David A. Walker v. Tyco International, Ltd., et al., C.A. No. 1:02-1278
Patty Smith v. Tyco International, Ltd., et al., C.A. No. 1:02-1288
Stanley Sved v. Tyco International, Ltd., et al., C.A. No. 1:02-1293
David Rappaport v. Tyco International, Ltd., et al., C.A. No. 1:02-1393
Mario R. Garcia v. Tyco International, Ltd., et al., C.A. No. 1:02-1464
Leonard D. Gigantino v. Tyco International, Ltd., et al., C.A. No. 1:02-1854
Joseph Leone v. Tyco International, Ltd., et al., C.A. No. 1:02-2056
Shmuel Lock v. Tyco International, Ltd., et al., C.A. No. 1:02-2080
Jules Brody v. Tyco International, Ltd., et al., C.A. No. 1:02-2190
Jay Fink v. Tyco International, Ltd., et al., C.A. No. 1:02-2260
Lou Ann Murphy v. Tyco International, Ltd., et al., C.A. No. 1:02-2356
Marvin Overby, etc. v. Tyco International, Ltd., et al., C.A. No. 1:02-2486
Jim Lee Chambers v. Tyco International, Ltd., et al., C.A. No. 1:02-2607

MDL-1374 -- In re Assicurazioni Generali S.p.A. Holocaust Era Insurance Litigation

Motion of plaintiffs Jack Brauns, M.D.; Steven Szekeres, et al.; Julia Sladek, M.D.; Felicia Spirer Haberfeld; Marta Goldstein Lightner; and Benjamin Mandil to remand their respective following actions from the United States District Court for the Southern District of New York to their respective transferor courts:

Southern District of New York

Jack Brauns, M.D. v. Assicurazioni Generali, S.p.A., et al., C.A. No. 1:00-9412
(C.D. California, C.A. No. 2:00-6194)
Steven Szekeres, et al. v. Assicurazioni Generali, S.p.A., et al., C.A. No. 1:01-158
(C.D. California, C.A. No. 2:00-10089)

MDL-1374 (Continued)

Southern District of New York (Continued)

Julia Sladek, M.D. v. Assicurazioni Generali S.p.A., et al., C.A. No. 1:01-6193
(C.D. California, C.A. No. 2:01-4683)
Felicia Spierer Habberfeld v. Assicurazioni Generali, S.p.A., C.A. No. 1:01-9498
(C.D. California, C.A. No. 2:01-4685)
Marta Goldstein Lightner v. Assicurazioni Generali, S.p.A., et al., C.A. No. 1:01-160
(C.D. California, C.A. No. 8:00-924)
Benjamin Mandil v. Assicurazioni Generali, S.p.A., et al., C.A. No. 1:00-9414
(S.D. California, C.A. No. 3:00-1202)

MDL-1472 -- In re Global Crossing Ltd. Securities & "ERISA" Litigation

Motion, as amended, of defendants Global Crossing Ltd.; Global Crossing Employees Retirement Savings Plans; Robert Annunziata; Mark Attanasio; Norman Brownstein; William B. Carter; Joseph P. Clayton; Williams S. Cohen; John Comparin; William E. Conway; Lodwrick Cook; S. Wallace Dawson, Jr.; John M. Finlayson; Steven J. Green; Eric Hippeau; Maria Elena Lagomasino; William Norris; John Scanlon; John A. Scarpati; and Gary Winnick for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Brian Roffe v. Global Crossing Ltd., C.A. No. 2:02-1039
Thomas Albano v. Gary Winnick, et al., C.A. No. 2:02-1074
Janet Mahoney v. Gary Winnick, et al., C.A. No. 2:02-1077
Douglas Groner v. Gary Winnick, et al., C.A. No. 2:02-1137
Robert A. Rovner v. Gary Winnick, et al., C.A. No. 2:02-1139
Samuel Dawson v. Gary Winnick, et al., C.A. No. 2:02-1207
Stephan H. Goldstein, et al. v. Gary Winnick, et al., C.A. No. 2:02-1233
James G. Whitty v. Gary Winnick, et al., C.A. No. 2:02-1276
Gerald Lampton, et al. v. Gary Winnick, et al., C.A. No. 2:02-1290
Albert Halegoua v. Gary Winnick, et al., C.A. No. 2:02-1310
Bernard McAllister v. Gary Winnick, et al., C.A. No. 2:02-1323

MDL-1472 (Continued)

Central District of California (Continued)

Maurice Brodsky, et al. v. Gary Winnick, et al., C.A. No. 2:02-1351
Bruce Hudson, et al. v. Gary Winnick, et al., C.A. No. 2:02-1373
Betty Sampsell v. Gary Winnick, et al., C.A. No. 2:02-1455
Jagdeo Ramkissoon v. Gary Winnick, et al., C.A. No. 2:02-1478
Charles Graham v. Gary Winnick, et al., C.A. No. 2:02-1483
Donald Yancey, etc. v. Gary Winnick, et al., C.A. No. 2:02-1635
Ben Gordon v. Gary Winnick, et al., C.A. No. 2:02-1644
Roy L. Olofson v. Gary Winnick, et al., C.A. No. 2:02-1693
Jon L. Pettit, et al. v. Gary Winnick, et al., C.A. No. 2:02-1806
Bruce Donald Graham v. Gary Winnick, et al., C.A. No. 2:02-1826
Amy Ghazle v. Gary Winnick, et al., C.A. No. 2:02-1827
Richard Geist v. Gary Winnick, et al., C.A. No. 2:02-1873
Charles G. Cooper, et al. v. Gary Winnick, et al., C.A. No. 2:02-1957
Bruce Hill v. Gary Winnick, et al., C.A. No. 2:02-2033
Daniel K. Iles v. Gary Winnick, et al., C.A. No. 2:02-2034
Scott Johnson v. Gary Winnick, et al., C.A. No. 2:02-2070
James Guarino v. Gary Winnick, et al., C.A. No. 2:02-2100
Richard J. Turoff v. Arthur Andersen, LLP, et al., C.A. No. 2:02-2133
Rodney Scott Coleman v. Gary Winnick, et al., C.A. No. 2:02-2343
Edward Gildea v. Gary Winnick, et al., C.A. No. 2:02-2457
Martin Aircraft Tool Co., et al. v. Pacific Capital Group, Inc., et al.,
C.A. No. 2:02-2470
Michael Eisenberg, etc. v. Gary Winnick, et al., C.A. No. 2:02-2497
Paul Bufano, et al. v. Gary Winnick, et al., C.A. No. 2:02-2606
Hawaii Laborers' Trust Funds v. Gary Winnick, et al., C.A. No. 2:02-2608

District of District of Columbia

Jeffery Abdelnour v. Gary Winnick, et al., C.A. No. 1:02-298

District of New Jersey

Joseph Zycherman v. Gary Winnick, et al., C.A. No. 2:02-643

MDL-1472 (Continued)

Southern District of New York

F. Richard Manson v. Gary Winnick, et al., C.A. No. 1:02-910
Martin Blount v. Gary Winnick, et al., C.A. No. 1:02-944
Dr. Bajrang Agarwal v. Gary Winnick, et al., C.A. No. 1:02-990
Reuben Askowitz v. Gary Winnick, et al., C.A. No. 1:02-1006
Gary Kosseff v. Gary Winnick, et al., C.A. No. 1:02-1049
Angelo Armezzani v. Gary Winnick, et al., C.A. No. 1:02-1086
Tiwok, Inc., et al. v. Gary Winnick, et al., C.A. No. 1:02-1129
Christine J. Lopau v. Gary Winnick, et al., C.A. No. 1:02-1134
Jeffrey Kurtz v. Gary Winnick, et al., C.A. No. 1:02-1158
Paul McGovern v. Gary Winnick, et al., C.A. No. 1:02-1386
Leonard Fuchs, et al. v. Gary Winnick, et al., C.A. No. 1:02-1392
Virginia Musacchio v. Gary Winnick, et al., C.A. No. 1:02-1588
Elaine B. Gastman v. Gary Winnick, et al., C.A. No. 1:02-1612
Wallace C. Thompson v. Gary Winnick, et al., C.A. No. 1:02-2014
James F. Tucker v. Gary Winnick, et al., C.A. No. 1:02-2247
Daniel K. Iles v. Gary Winnick, et al., C.A. No. 1:02-2641
Staro Asset Management, LLC v. Gary Winnick, et al., C.A. No. 1:02-2652
Richard P. Kleinknecht, etc. v. Gary Winnick, et al., C.A. No. 1:02-2665

Western District of New York

Roy E. Boyer, et al. v. Gary Winnick, et al., C.A. No. 6:02-6067
Mary Ann Cottrell v. Gary Winnick, et al., C.A. No. 6:02-6105
Sidney Hasler v. Gary Winnick, et al., C.A. No. 6:02-6160

MDL-1473 -- In re American General Finance, Inc., Credit Insurance Litigation

Motion of defendants American General Finance, Inc.; Merit Life Insurance Company; Yosemite Insurance Company; and Thomas Edgeworth for centralization of the following actions in the United States District Court for the Southern District of Mississippi or the United States District Court for the Northern District of Mississippi:

Northern District of Mississippi

Willie E. Latham, et al. v. American General Finance, Inc., C.A. No. 1:01-462
Johnnie Archer, et al. v. Gary Castle, et al., C.A. No. 1:02-95

Southern District of Mississippi

Genevia Keyes v. American General Finance, Inc., C.A. No. 2:02-27
John D. Starcher, et al. v. American General Finance, Inc., et al., C.A. No. 2:02-62
Rhonda L. Aaron, et al. v. American General Finance Inc., et al., C.A. No. 2:02-63
Debbie Cross, et al. v. American General Finance, Inc., C.A. No. 3:00-832
Clay Rodgers v. American General Finance, Inc., et al., C.A. No. 3:01-599
Willie Mae Ambers, et al. v. American General Finance, Inc., C.A. No. 3:01-872
Christine Harris, et al. v. Thomas L. Edgeworth, C.A. No. 3:02-57
Oda M. Green, et al. v. American General Finance, Inc., et al., C.A. No. 3:02-121
Dinnishaw Gamble, et al. v. American General Finance, Inc., et al.,
C.A. No. 3:02-210
Edna Keys, et al. v. American General Finance, Inc., et al., C.A. No. 3:02-211
Georgia Shorter, et al. v. American General Finance, Inc., et al., C.A. No. 3:02-212
Margaret Anderson, et al. v. American General Finance, Inc., et al.,
C.A. No. 3:02-213
Katina Banks, et al. v. American General Finance, Inc., et al., C.A. No. 3:02-214
Colleen Johnson, et al. v. American General Finance, Inc., C.A. No. 4:02-62
John Conner, et al. v. Merit Life Insurance Co., et al., C.A. No. 5:01-149
James O. Carter, et al. v. American General Finance, Inc., et al., C.A. No. 5:01-152
Sharon Rankin, et al. v. American General Finance, Inc., et al., C.A. No. 5:02-6
Tony R. Bailey, Sr., et al. v. American General Finance, Inc., C.A. No. 5:02-7
Elnora Barnes v. Thomas L. Edgeworth, et al., C.A. No. 5:02-56
Jerry D. Carter, et al. v. American General Finance, Inc., et al., C.A. No. 5:02-68

MDL-1474 -- In re Unitrin, Inc., Insurance Sales Practices Litigation

Motion of defendants Unitrin, Inc.; United Insurance Company of America; Union National Life Insurance Company; and Union National Fire Insurance Company for centralization of the following actions in the United States District Court for the Southern District of Mississippi:

Northern District of Mississippi

Monika Tucker, et al. v. Union National Life Insurance Co., et al., C.A. No. 4:01-240
Shirley Walker, et al. v. Union National Life Insurance Co., et al., C.A. No. 4:01-247
Minnie Wells v. United Insurance Co. of America, et al., C.A. No. 4:01-253

Southern District of Mississippi

Jacqueline Crosby, et. al. v. Union National Life Insurance Co., et al.,
C.A. No. 2:01-343
Earnestine Chambers, et al. v. Union National Life Insurance Co., et al.,
C.A. No. 3:01-452
Tasha Garner v. Union National Life Insurance Co., et al., C.A. No. 3:01-844
Sarah Neely, et al. v. Union National Life Insurance Co., et al., C.A. No. 3:01-918
Annie Mae Porter, et al. v. United Insurance Co. of America, et al.,
C.A. No. 4:00-206
Doss Abney, et al. v. Union National Life Insurance Co., et al., C.A. No. 4:01-170
Mary Geneva Harris v. United Insurance Co. of America, et al., C.A. No. 4:02-1
Laura Jackson, et al. v. Union National Life Insurance Co., et al., C.A. No. 5:01-119
Dorothy Wells, et al. v. Union National Life Insurance Co., et al., C.A. No. 5:02-50
Marjorie Smith, et al. v. Union National Life Insurance Co., et al., C.A. No. 5:02-67

MDL-1475 -- In re Heritage Bonds Litigation

Motion of defendants U.S. Trust Company of Texas, N.A. and U.S. Trust Corporation for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Betker Partners One, LP, et al. v. U.S. Trust Corp., N.A., et al., C.A. No. 2:01-5752

Gilbert Kivenson v. U.S. Trust Corp., N.A., et al., C.A. No. 2:02-382

Howard Preston, et al. v. U.S. Trust Corp., N.A., et al., C.A. No. 2:02-993

U.S. Trust Co. of Texas, N.A. v. O.V. Bertolini, et al., C.A. No. 2:02-2745

Northern District of Illinois

Phillip L. Stern, etc. v. U.S. Trust Co. of Texas, N.A., C.A. No. 1:01-9078

MDL-1476 -- In re First Union Mortgage Corp. Yield Spread Premium Litigation

Motion of plaintiffs Leonard S. Davis, et al., for centralization of the following actions in the United States District Court for the Northern District of Alabama:

Northern District of Alabama

Daniel Heimmermann, et al. v. First Union Mortgage Corp., C.A. No. 3:98-2357

Southern District of Florida

Leonard S. Davis, et al. v. First Union Mortgage Corp., et al., C.A. No. 4:99-1494

Middle District of Georgia

Robert Trombley, et al. v. First Union Mortgage Corp., C.A. No. 4:98-19

MDL-1477 -- In re Serzone Products Liability Litigation

Motion of plaintiffs Andrea B. Cheramie, et al., for centralization of the following actions in the United States District Court for the Eastern District of Louisiana:

Eastern District of Louisiana

Andrea B. Cheramie, et al. v. Bristol-Myers Squibb Co., C.A. No. 2:02-910

Middle District of Louisiana

Melva L. Duplessie, et al. v. Bristol-Myers Squibb Co., C.A. No. 3:02-322

Western District of Louisiana

William Collins v. Bristol-Myers Squibb Co., C.A. No. 1:02-638

Joseph I. Viator, et al. v. Bristol-Myers Squibb Co., C.A. No. 2:02-637

Judy Owens, et al. v. Bristol-Myers Squibb Co., C.A. No. 6:02-680

Northern District of Mississippi

Sherry Hayden, et al. v. Bristol-Myers Squibb Co., C.A. No. 4:02-86

MDL-1479 -- In re Neurontin Antitrust Litigation

Motion of plaintiff Richard A. Wilson for centralization of certain of the following actions in the United States District Court for the Eastern District of Pennsylvania; and motion of defendants Pfizer, Inc., and Warner-Lambert Company for centralization of the following actions in the United States District Court for the District of New Jersey:

Northern District of California

Jane Sall, et al. v. Pfizer, Inc., et al., C.A. No. 3:02-2122

MDL-1479 (Continued)

Eastern District of Michigan

Great Lakes Health Plan, Inc. v. Pfizer, Inc., et al., C.A. No. 2:02-71907

District of New Jersey

William Owens v. Pfizer, Inc., et al., C.A. No. 2:02-1390

Burdonna Trujillo v. Pfizer, Inc., et al., C.A. No. 2:02-1391

Smithfield Foods, Inc. v. Pfizer, Inc., et al., C.A. No. 2:02-1397

Phyllis Salowe-Kaye, et al. v. Pfizer, Inc., et al., C.A. No. 2:02-1527

Louisiana Wholesale Drug Company, Inc. v. Pfizer, Inc., et al., C.A. No. 2:02-1830

Eastern District of New York

Neil Meltzer v. Pfizer, Inc., et al., C.A. No. 2:02-1388

Southern District of New York

Health & Benefit Trust Fund of the International Union of Operating Engineers Local Union 94, 94A, 94B v. Pfizer, Inc., et al., C.A. No. 1:02-1845

Gary Jaffe v. Pfizer, Inc., et al., C.A. No. 1:02-2017

Katherine D'Angelo v. Pfizer, Inc., et al., C.A. No. 1:02-2028

Action Alliance of Senior Citizens of Greater Philadelphia v. Pfizer, Inc., et al.,
C.A. No. 1:02-2445

Vista Healthplan, Inc. v. Pfizer, Inc., et al., C.A. No. 1:02-2531

United Food & Commercial Workers Local 56 Health & Welfare Fund v. Pfizer, Inc., et al., C.A. No. 1:02-2663

Painters District Council No. 30 Health & Welfare Fund v. Pfizer, Inc., et al.,
C.A. No. 1:02-2845

Eastern District of Pennsylvania

Richard A. Wilson v. Pfizer, Inc., et al., C.A. No. 2:02-2094

Nancy Soeurt v. Pfizer, Inc., et al., C.A. No. 2:02-2433

MDL-1480 -- In re DaimlerChrysler Corp. Seat Belt Buckle Products Liability Litigation

Motion of defendant DaimlerChrysler Corporation for centralization of the following actions in the United States District Court for the Northern District of Ohio or the United States District Court for the Eastern District of Michigan:

Northern District of Georgia

Beatrice Coker, et al. v. DaimlerChrysler Corp., C.A. No. 1:02-903

District of Massachusetts

Linda K. Hiller, et al. v. DaimlerChrysler Corp., C.A. No. 1:02-10533

MDL-1481 -- In re Meridia Products Liability Litigation

Motion of plaintiff Holly Cardwell for centralization of the following actions in the United States District Court for the Northern District of Illinois or the United States District Court for the District of New Jersey:

Northern District of Illinois

Holly Cardwell v. Abbott Laboratories, et al., C.A. No. 1:02-2183

District of New Jersey

Carol Rothenberger v. Abbott Laboratories, et al., C.A. No. 2:02-1419

MDL-1483 -- In re Qwest Communications Corp. Payphone Service Providers Compensation
Litigation

Motion of defendant Qwest Communications Corporation for centralization of the following
actions in the United States District Court for the District of Colorado:

Central District of California

Gregory J. Wolfe, et al. v. Qwest Communications Corp., C.A. No. 2:01-5554
Steve Littlejohn v. Qwest Communications Corp., C.A. No. 2:01-6033
PBS Telecom, Inc. v. Qwest Communications Corp., C.A. No. 2:01-7285
Royce Tawney v. Qwest Communications Corp., C.A. No. 2:02-827
Zane Greene v. Qwest Communications Corp., C.A. No. 8:02-501

Eastern District of California

Dong Ju Lee v. Qwest Communications Corp., C.A. No. 2:01-1578

Northern District of California

Precision Pay Phones v. Qwest Communications Corp., C.A. No. 3:02-213
Precision Pay Phones v. Qwest Communications Corp., C.A. No. 3:02-214
Precision Pay Phones v. Qwest Communications Corp., C.A. No. 3:02-215
Bay Distribution Service, Inc. v. Qwest Communications Corp., C.A. No. 5:01-20937
Bay Distribution Service, Inc. v. Qwest Communications Corp., C.A. No. 5:01-20938
Bay Distribution Service, Inc. v. Qwest Communications Corp., C.A. No. 5:01-20939
Bay Distribution Service, Inc. v. Qwest Communications Corp., C.A. No. 5:01-20940
Bay Distribution Service, Inc. v. Qwest Communications Corp., C.A. No. 5:01-20941
Bay Distribution Service, Inc. v. Qwest Communications Corp., C.A. No. 5:01-20942
Antonio T. Pimentel v. Qwest Communications Corp., C.A. No. 5:02-1540

District of District of Columbia

APCC Services, Inc., et al. v. Qwest Communications Corp., C.A. No. 1:01-641

District of Nevada

Nevada Telephone, Inc. v. Qwest Communications Corp., C.A. No. 2:02-742

MDL-1483 (Continued)

District of Utah

Flying J, Inc., et al. v. Qwest Communications Corp., et al., C.A. No. 1:00-23

Western District of Washington

Metropoulos Telecommunications, Inc. v. Qwest Communications Corp.,
C.A. No. 2:01-1850

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs Flinn James, et al.; Ronald L. Huber, et al.; Frank Huff, Jr., et al.; Leon J. Smith, et al.; Charles E. Davis, et al.; and James E. Snead, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Southern District of Mississippi

Flinn James, et al. v. International Paper, C.A. No. 1:01-556

Western District of Pennsylvania

Ronald L. Huber, et al. v. J. Robert Davis, Jr., et al., C.A. No. 2:02-304

District of South Carolina

Frank Huff, Jr., et al. v. ACandS, Inc., et al., C.A. No. 2:02-16

Leon J. Smith, et al. v. ACandS, Inc., et al., C.A. No. 2:02-17

Charles E. Davis, et al. v. ACandS, Inc., et al., C.A. No. 2:02-51

James E. Snead, et al. v. ACandS, Inc., et al., C.A. No. 2:02-173

Opposition of defendant Duquesne Light Company to remand of the following action to the United States District Court for the Western District of Pennsylvania:

Eastern District of Pennsylvania

Karen Jesensky, et al. v. A-Best Products Co., et al., (W.D. Pennsylvania,
C.A. No. 2:96-680)

MDL-1091 -- In re Metropolitan Life Insurance Company Sales Practices Litigation

Opposition of plaintiffs Billy C. Carter, et al., to transfer of the following action to the United States District Court for the Western District of Pennsylvania:

Southern District of Mississippi

Billy C. Carter, et al. v. Metropolitan Life Insurance Co., et al., C.A. No. 5:02-115

MDL-1105 -- In re New England Mutual Life Insurance Company Sales Practices Litigation

Opposition of defendant New England Life Insurance Company to transfer of the following action to the United States District Court for the District of Massachusetts:

District of Kansas

S-G Metals Industries, Inc. v. New England Life Insurance Co., C.A. No. 2:02-2109

MDL-1179 -- In re General American Life Insurance Company Sales Practices Litigation

Opposition of plaintiff Carol Louise Brown to transfer of the following action to the United States District Court for the Eastern District of Missouri:

Western District of Pennsylvania

Carol Louise Brown v. General American Life Insurance Co., et al.,
C.A. No. 2:02-641

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products
Liability Litigation

Oppositions of plaintiffs Peggy Jean Eisenhauer; Rossana Price; Lynn Sabo; Janet Bojan, et al.; and Charles Cox, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Central District of California

Peggy Jean Eisenhauer v. American Home Products Corp., et al., C.A. No. 2:02-1780

District of District of Columbia

Rossana Price v. American Home Products Corp., et al., C.A. No. 1:02-523

Southern District of Illinois

Lynn Sabo v. American Home Products Corp., et al., C.A. No. 3:02-178

Southern District of Mississippi

Janet Bojan, et al. v. American Home Products Corp., et al., C.A. No. 5:02-95

Western District of Oklahoma

Charles Cox, et al. v. American Home Products Corp., et al., C.A. No. 5:02-368

MDL-1214 -- In re Great Southern Life Insurance Company Sales Practices Litigation

Oppositions of certain defendants to transfer of their respective following actions to the United States District Court for the Northern District of Texas:

Northern District of Alabama

Great Southern Life Insurance Co. v. Carl L. Adcock, II, et al., C.A. No. 2:02-278

Central District of California

Great Southern Life Insurance Co. v. George M. Novicoff, et al., C.A. No. 2:02-105

Southern District of Florida

Great Southern life Insurance Co. v. Mirian B. Anthony, et al., C.A. No. 1:02-20390

Northern District of Georgia

Great Southern Life Insurance Co. v. Cynthia L. Adams, et al., C.A. No. 1:02-292

Southern District of Mississippi

Great Southern Life Insurance Co. v. Jim Aaron, et al., C.A. No. 3:02-104

Western District of North Carolina

Great Southern Life Insurance Co. v. Angela D. Adams, et al., C.A. No. 3:02-48

District of New Jersey

Great Southern Life Insurance Co. v. Deborah A. Bluford, et al., C.A. No. 1:02-473

Northern District of Oklahoma

Great Southern Life Insurance Co. v. Ramona Arnold, et al., C.A. No. 4:02-86

MDL-1214 (Continued)

Eastern District of Pennsylvania

Great Southern Life Insurance Co. v. Arlene P. Andracchio, et al., C.A. No. 2:02-552

District of South Carolina

Great Southern Life Insurance Co. v. Danny S. Abernathy, et al., C.A. No. 2:02-301

Middle District of Tennessee

Great Southern Life Insurance Co. v. Carol L. Adams, et al., C.A. No. 3:02-113

MDL-1293 -- In re Natural Gas Royalties Qui Tam Litigation

Opposition of plaintiffs Gordon R. Palmer, et al., to transfer of the following action to the United States District Court for the District of Wyoming:

District of Colorado

Gordon R. Palmer, et al. v. Texaco Exploration & Production, Inc.,
C.A. No. 1:00-1922

MDL-1317 -- In re Terazosin Hydrochloride Antitrust Litigation

Opposition of plaintiff Kaiser Foundation Health Plans, Inc., to transfer of the following action to the United States District Court for the Southern District of Florida:

Central District of California

Kaiser Foundation Health Plans, Inc. v. Abbott Laboratories, et al.,
C.A. No. 2:02-2443

MDL-1332 -- In re Microsoft Corp. Windows Operating Systems Antitrust Litigation

Oppositions of plaintiffs Be Incorporated and Sun Microsystems, Inc., to transfer of their respective following actions to the United States District Court for the District of Maryland:

Northern District of California

Be Incorporated v. Microsoft Corp., C.A. No. 3:02-837

Sun Microsystems, Inc. v. Microsoft Corp., C.A. No. 5:02-1150

MDL-1334 -- In re Managed Care Litigation

Opposition of plaintiff Jin Zhou to transfer of the following action to the United States District Court for the Southern District of Florida:

District of Connecticut

Jin Zhou v. Connecticut General Life Insurance Co., C.A. No. 3:02-76

MDL-1337 -- In re Holocaust Era German Industry, Bank & Insurance Litigation

Opposition of plaintiffs Martin G. Wortham, et al., to transfer of the following action to the United States District Court for the District of New Jersey:

Southern District of New York

Martin G. Wortham, et al. v. Karstadtquelle AG, et al., C.A. No. 1:01-2741

MDL-1348 -- In re Rezulin Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Middle District of Alabama

Albert Daniels, et al. v. Warner-Lambert Co., et al., C.A. No. 2:02-342

Northern District of Alabama

Theodore Boyer, et al. v. Warner-Lambert Co., et al., C.A. No. 5:02-483

Southern District of Mississippi

Joseph Lusteck, etc. v. Robert Evans, M.D., et al., C.A. No. 3:02-396

Roberta Lane, et al. v. Parke-Davis, et al., C.A. No. 5:02-69

District of Nevada

Afton George v. Warner-Lambert Co., et al., C.A. No. 2:02-297

Ronald Brashier v. Warner-Lambert Co., et al., C.A. No. 2:02-299

Alan Garrison v. Warner-Lambert Co., et al., C.A. No. 2:02-332

Michael Sarabia v. Warner-Lambert Co., et al., C.A. No. 2:02-354

Alfred Velasquez v. Warner-Lambert Co., et al., C.A. No. 2:02-358

Yong G. Gennock v. Warner-Lambert Co., et al., C.A. No. 2:02-371

Michael Harding, et al. v. Warner-Lambert Co., et al., C.A. No. 2:02-402

District of New Mexico

Roberta Ward, etc. v. Pfizer, Inc., et al., C.A. No. 1:02-126

Southern District of Ohio

Rella Wolf, et al. v. Parke-Davis, et al., C.A. No. 1:02-277

MDL-1348 (Continued)

Northern District of Texas

Jeretta Kay Tedford v. Warner-Lambert Co., et al., C.A. No. 1:02-57

Southern District of Texas

Ruben Ramirez v. Warner-Lambert Co., et al., C.A. No. 2:02-75
Carmen T. Mendez v. Warner-Lambert Co., et al., C.A. No. 2:02-85
Carol Annelise Vela, et al. v. Parke-Davis, et al., C.A. No. 2:02-162
Clara M. Benson v. Warner-Lambert Co., et al., C.A. No. 3:02-149
Essie Brown, et al. v. Warner-Lambert Co., et al., C.A. No. 3:02-272
Anthony Sylvester Calton v. Warner-Lambert Co., et al., C.A. No. 4:02-788
Maria Del Carmen Salazar v. Warner-Lambert Co., et al., C.A. No. 5:02-35
Tomas Rodriguez v. Warner-Lambert Co., et al., C.A. No. 5:02-36
Eulalia G. Garza, et al. v. Pfizer, Inc., et al., C.A. No. 7:02-80

Western District of Texas

Raul Nevarez v. Warner-Lambert Co., et al., C.A. No. 3:02-81
Robert B. Brook v. Warner-Lambert Co., et al., C.A. No. 5:02-399

Northern District of West Virginia

Donna J. Lilly, et al. v. Warner-Lambert Co., et al., C.A. No. 5:02-25

MDL-1355 -- In re Propulsid Products Liability Litigation

Opposition of plaintiffs Ethel Robinson, et al., to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Mississippi

Ethel Robinson, et al. v. Johnson & Johnson, et al., C.A. No. 5:01-343

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Oppositions of plaintiffs Ervie Wilson, et al.; William J. Hanna; Althea Davis, et al.; Katherine Brooks, etc.; and Nancy Mares, et al., to transfer of their respective following actions, and of defendant General Motors Corporation to transfer of one of the following actions, to the United States District Court for the Southern District of Indiana:

District of Arizona

Irene Medina Hernandez, et al. v. General Motors Corp., et al., C.A. No. 2:02-232

Eastern District of Arkansas

Ervie Wilson, et al. v. Bridgestone/Firestone North American Tire, LLC, et al.,
C.A. No. 3:02-80

Southern District of Georgia

William J. Hanna v. Bridgestone/Firestone, Inc., et al., C.A. No. 4:02-55

Southern District of Mississippi

Althea Davis, et al. v. Ford Motor Co., et al., C.A. No. 3:02-271
Katherine Brooks, etc. v. Ford Motor Co., et al., C.A. No. 3:02-272

Southern District of Texas

Nancy Mares, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 7:02-31

MDL-1390 -- In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation

Oppositions of plaintiffs Kareem Watson; Zachery Booker, et al.; Josephine Austin, et al.; John Smith, et al.; and Annie L. Wilks to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Middle District of Alabama

Kareem Watson v. Life Insurance Co. of Georgia, C.A. No. 2:01-1500
Zachery Booker, et al. v. Life Insurance Co. of Georgia, C.A. No. 3:01-1505

Northern District of Alabama

Josephine Austin, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 7:02-461

Northern District of Mississippi

John Smith, et al. v. Life Insurance Co. of Georgia, et al., C.A. No. 4:02-82

Southern District of Mississippi

Annie L. Wilks v. Life Insurance Co. of Georgia, C.A. No. 3:01-963

MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Oppositions of plaintiffs and defendants General Nutrition Corporation and Metabolife International Inc. to transfer of their respective following actions to the United States District Court for the Western District of Washington:

Northern District of California

Margaret Bradley v. Chattem, Inc., et al., C.A. No. 3:02-686
Grace Draper, et al. v. Chattem, Inc., et al., C.A. No. 3:02-701

MDL-1407 (Continued)

Eastern District of Louisiana

Kevin Mercier v. Ciolino Pharmacy, et al., C.A. No. 2:02-413
Lawrence Bailey v. Bayer Corp., et al., C.A. No. 2:02-539
Denise Spencer v. Bayer Corp., et al., C.A. No. 2:02-569
Ronald Christy v. Bayer Corp., et al., C.A. No. 2:02-577
Linda Mayberry v. Bayer Corp., et al., C.A. No. 2:02-619
Linda Adams, et al. v. American Home Products Corp., et al., C.A. No. 2:02-620
Daniel Brister v. Bayer Corp., et al., C.A. No. 2:02-621
Cherrie Patterson v. Bayer Corp., et al., C.A. No. 2:02-622
Rose McCrary v. Bayer Corp., et al., C.A. No. 2:02-642
Darnell Stone v. Bayer Corp., et al., C.A. No. 2:02-660
Eva Opoku v. Whitehall-Robins Healthcare, et al., C.A. No. 2:02-662
Johnny Daigre v. Bayer Corp., et al., C.A. No. 2:02-672
Andrew Martin v. Bayer Corp., et al., C.A. No. 2:02-673
Ebony Primus v. Bayer Corp., et al., C.A. No. 2:02-674
Mary Harrell v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-682
Frances Washington v. Bayer Corp., et al., C.A. No. 2:02-698
Gloria Jackson v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-704
Clyde Crain v. Bayer Corp., et al., C.A. No. 2:02-712
Herman Williams v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-723
Barbara Ohillia v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-724
Kenneth Hoofkin, et al. v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-742
William Carter v. Bayer Corp., et al., C.A. No. 2:02-743
Richard Barber v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-744
Wayne Ohmer v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-746
Laura Counts v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-749
Robert Lee v. Bayer Corp., et al., C.A. No. 2:02-753
Katherine Ladmirault v. Chattem, Inc., et al., C.A. No. 2:02-771
Gloria Cage v. Whitehall-Robins Healthcare, et al., C.A. No. 2:02-772
Michael Brumfield v. Glaxo SmithKline PLC, et al., C.A. No. 2:02-784
Judy Gilbert v. Bayer Corp., et al., C.A. No. 2:02-790
Carol Gasper v. Bayer Corp., et al., C.A. No. 2:02-808
Rummell Victor v. Bayer Corp., et al., C.A. No. 2:02-809

MDL-1407 (Continued)

Eastern District of Louisiana (Continued)

Veda Lee v. Bayer Corp., et al., C.A. No. 2:02-819
Aric Martin v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-823
Betty Rollins v. Bayer Corp., et al., C.A. No. 2:02-830
Timmy Charles, Sr. v. Bayer Corp., et al., C.A. No. 2:02-831
Charlene Savoie v. Bayer Corp., et al., C.A. No. 2:02-832
Alfred Davis, Sr. v. Bayer Corp., et al., C.A. No. 2:02-833
Dianne Clark v. Bayer Corp., et al., C.A. No. 2:02-834
Sylvia Falgoust v. Bayer Corp., et al., C.A. No. 2:02-839
Gary Clark v. GlaxoSmithKline, PLC, et al., C.A. No. 2:02-846
Norma LaFrance v. Bayer Corp., et al., C.A. No. 2:02-853
John Washington v. Bayer Corp., et al., C.A. No. 2:02-856
John Corbin v. Bayer Corp., et al., C.A. No. 2:02-857
Robert Lambremont v. Bayer Corp., et al., C.A. No. 2:02-858
Stephen Barquet v. GlaxoSmithKline, PLC, et al., C.A. No. 2:02-869
Catherine Benjamin v. Bayer Corp., et al., C.A. No. 2:02-886
Deborah Brady v. Bayer Corp., et al., C.A. No. 2:02-887
Althea Fleming v. Bayer Corp., et al., C.A. No. 2:02-888
Duane Joseph v. Bayer Corp., et al., C.A. No. 2:02-889
Kenneth Cain v. Bayer Corp., et al., C.A. No. 2:02-890
Marion Jones v. Bayer Corp., et al., C.A. No. 2:02-891
Pamela Gaines v. Bayer Corp., et al., C.A. No. 2:02-918
Lionel Thomas, Sr. v. Bayer Corp., et al., C.A. No. 2:02-953

Middle District of Louisiana

Carl Barcelone v. Bayer Corp., et al., C.A. No. 3:02-200
Jacqueline Metevia v. Bayer Corp., et al., C.A. No. 3:02-201
David Emery, Jr. v. Bayer Corp., et al., C.A. No. 3:02-210
Agatha Norwood v. Bayer Corp., et al., C.A. No. 3:02-211
Kelvin Leatherman v. Bayer Corp., et al., C.A. No. 3:02-212
Jerry Bates v. Chattem, Inc., et al., C.A. No. 3:02-213
Beatrice Williams v. Bayer Corp., et al., C.A. No. 3:02-214

MDL-1407 (Continued)

Middle District of Louisiana (Continued)

Jonathan Nelson v. Bayer Corp., et al., C.A. No. 3:02-234
Rosetta Connell v. Schering-Plough Corp., et al., C.A. No. 3:02-238
David West v. Bayer Corp., et al., C.A. No. 3:02-258
Liticia Johnson v. Bayer Corp., et al., C.A. No. 3:02-260
Daisy O'Bair v. Bayer Corp., et al., C.A. No. 3:02-264
Mable Ayers v. Bayer Corp., et al., C.A. No. 3:02-292
Nettie Brown v. Glaxo SmithKline PLC, et al., C.A. No. 3:02-336

Western District of Louisiana

Gloria Barnes v. Bayer Corp., et al., C.A. No. 1:02-533
Robert Smith, Jr. v. Bayer Corp., et al., C.A. No. 2:02-517
Wilfred Clark v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:02-552
Elizabeth Tibbit v. Bayer Corp., et al., C.A. No. 3:02-364
Herbert Alexander v. Novartis Pharmaceuticals Corp., et al., C.A. No. 3:02-534
James West v. Bayer Corp., et al., C.A. No. 5:02-354
Girtha Allums v. Whitehall-Robins Healthcare, et al., C.A. No. 5:02-365
Mildred Douglas v. Bayer Corp., et al., C.A. No. 5:02-432
Norman Evans v. Bayer Corp., et al., C.A. No. 5:02-457
Barbara Specht v. Bayer Corp., et al., C.A. No. 5:02-465
Joseph Charles v. Bayer Corp., et al., C.A. No. 6:02-355
Timothy Frank v. Bayer Corp., et al., C.A. No. 6:02-516
Helen Ortego v. Bayer Corp., et al., C.A. No. 6:02-639

Southern District of New York

Natalie Schor v. Novartis Consumer Health, Inc., et al., C.A. No. 1:02-1684

Western District of Texas

Angelita Dille, et al. v. Delaco Co., et al., C.A. No. 5:02-274

MDL-1409 -- In re Currency Conversion Fee Antitrust Litigation

Opposition of plaintiff Chad Dobrei to transfer of the following action to the United States District Court for the Southern District of New York:

Northern District of California

Chad Dobrei v. First USA Bank, N.A., et al., C.A. No. 3:02-1699

MDL-1419 -- In re K-Dur Antitrust Litigation

Opposition of plaintiff Robert Mitchell to transfer of the following action to the United States District Court for the District of New Jersey:

Eastern District of Michigan

Robert Mitchell v. Schering-Plough Corp., et al., C.A. No. 5:02-60061

MDL-1429 -- In re American General Life & Accident Insurance Co. Industrial Life Insurance Litigation

Opposition of plaintiffs Chester Lee Johnson, et al., to transfer of the following action to the United States District Court for the District of South Carolina:

Southern District of Mississippi

Chester Lee Johnson, et al. v. American General Life & Accident Insurance Co., et al.,
C.A. No. 2:02-73

MDL-1431 -- In re Baycol Products Liability Litigation

Oppositions of plaintiffs Paul A. Edgar, et al.; Maria Dominguez, etc.; Ruth Benzuly, et al.; James W. Jensen; Lois Anderson; and Paul Duda to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Middle District of Florida

Paul A. Edgar, et al. v. Bayer AG, et al., C.A. No. 8:02-329

Southern District of Florida

Maria Dominguez, etc. v. Bayer Corp., et al., C.A. No. 1:02-20392

Northern District of Illinois

Ruth Benzuly, et al. v. Bayer AG, et al., C.A. No. 1:02-1745

James W. Jensen v. Bayer AG, et al., C.A. No. 1:02-1747

Southern District of Mississippi

Lois Anderson v. Bayer AG, et al., C.A. No. 5:02-46

Southern District of Ohio

Paul Duda v. Bayer AG, et al., C.A. No. 2:02-144

PROCEDURES FOR ORAL ARGUMENT BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.